

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: UNITED STATES OF  
AMERICA'S *EX PARTE*  
APPLICATION FOR STAY OF  
PROCEEDINGS DURING LAPSE IN  
APPROPRIATIONS

Case Nos:  
09cv2275 WQH(BGS)  
10cv1879 WQH(NLS)  
11cv265 GPC (PCL)  
12cv311 JLS(DHB)  
12cv828 JLS(DHB)  
12cv902 JM(JMA)  
12cv1053 CAB(DHB)  
12cv2122 L(KSC)  
12cv2612 H(WMc)  
12cv2721 DMS(KSC)  
12cv2773 CAB(NLS)  
12cv2804 JLS(WVG)  
12cv2898 JM(DHB)  
12cv2957 DMS(WMc)  
13cv270 LAB(BGS)  
13cv333 W(RBB)  
13cv545 W(NLS)  
13cv643 H(WVG)  
13cv945 MMA(NLS)  
13cv1004 JLS(JMA)  
13cv1156 CAB(NLS)  
13cv1211 LAB(BLM)  
13cv1242 CAB(JMA)  
13cv1331 H(KSC)  
13cv1335 JAH(WVG)

13cv1656 JLS(BLM)  
13cv1805 CAB(BLM)  
13cv1814 H(KSC)  
13cv1887 L(NLS)

# **ORDER FOR STAY OF PROCEEDINGS DURING LAPSE IN APPROPRIATIONS**

1. The district judges assigned to these cases have designated Chief Judge Moskowitz to decide the United States' Ex Parte Motion to Stay.

2. The Court has been advised that at midnight on September 30, 2013, the continuing resolution that was funding the Department of Justice expired and the appropriation of funds to the Department lapsed. The same is true for most Executive Branch agencies, including the federal agencies involved in litigation in this District.

3. Absent an appropriation, Department of Justice attorneys and employees of the federal agencies are prohibited from working, even on a volunteer basis, “except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. Civil cases are not deemed to be within this exemption.

4. The Court has been informed that the lapse in appropriations therefore prevents Department of Justice attorneys and their federal agency counterparts from appearing at hearings and depositions and performing work necessary to meet case deadlines, including those imposed by statute, the Federal Rules of Civil Procedure, the Civil Local Rules of this District, and by case management orders issued in individual cases. This situation will cause prejudice to the interests of the United States and the federal agencies, officers, and employees involved in civil litigation in this District.

WHEREFORE, the Court finds that good cause exists to grant the relief sought by the United States.

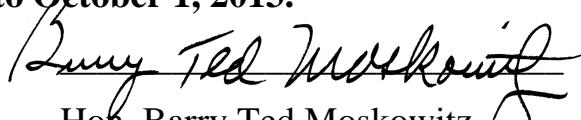
**IT IS THEREFORE ORDERED** that the United States' motions to stay are **GRANTED**. All time limits and deadlines specified in the ex parte applications on

1 file in the cases on the attached list are extended for a period of time equal to the  
2 duration of the lapse in appropriations to the Department of Justice, and the specified  
3 depositions and court hearings are vacated. Each judge shall reschedule hearings and  
4 other appearances in stayed cases according to their calendar needs. The parties shall  
5 cooperatively establish new dates for depositions.

6 **HOWEVER**, each district judge retains the authority to vacate the stay in any  
7 case assigned to them upon notice to the parties. Further, this stay does not apply to  
8 applications for emergency relief of any type in stayed cases, and any party who seeks  
9 to lift the stay may file an appropriate motion to be heard by the assigned district or  
10 magistrate judge.

11  
12 **This Order shall apply nunc pro tunc to October 1, 2013.**

13 DATED: October 2, 2013

  
14 Hon. Barry Ted Moskowitz  
15 Chief United States District Judge

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28